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Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Afghanistan

Note by the Secretariat

For decades, conflict has been an almost constant presence, and, for many, internal displacement has become a regular occurrence or a permanent feature of life. The trends are negative and worsening. In 2016, more than 600,000 people in Afghanistan fled conflict to seek safety in other areas of the country. In that period, an average of 1,500 people a day were forced from their homes. The Government is struggling to cope as international attention to Afghanistan wanes. An influx of refugees and undocumented Afghans pushed back from Pakistan has increased the burden on the Government, which lacks resources and capacity. With displacement and returns likely to increase in 2017, further escalation of the conflict and displacement crisis would overwhelm the capacity of the Government and its partners to respond effectively.

The current system of national institutions does not meet the needs of many internally displaced persons and should be reviewed. While the political will to protect them is emerging, this has not translated into comprehensive and effective Government-led responses. The National Policy on Internally Displaced Persons is a commendable policy tool to guide government responses, but its implementation has been poor and it has remained a neglected resource. Responses to short-term displacement are barely adequate, while those who are in protracted displacement, often for years, are commonly left to fend for themselves. While government officials blame resource shortfalls for lack of progress, a deficit of good governance and accountability are contributing factors that must be addressed.

A new commitment is required from the Government to meet the needs of internally displaced persons. The particular challenges experienced by children and by displaced women and girls, including forced and early marriage, must be better addressed. Despite the challenges, some positive practice is taking place that demonstrates that progress towards durable solutions is possible for those in protracted displacement situations. In Herat and Mazar-e-Sharif, interventions in cooperation with local authorities are securing landownership or occupation rights, providing homes, essential services and livelihoods. However, such positive practices are the exception and must be extended and replicated for the benefit of many thousands more internally displaced persons in desperate need throughout the country.

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Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Afghanistan*

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* Circulated in the language of submission only

I. Introduction

1. In accordance with his mandate under Human Rights Council resolution 32/11, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani,[1] visited Afghanistan from 11 to 20 October 2016 at the invitation of the Government. During his visit, he travelled to Kabul, Herat and Mazar-e-Sharif.

2. The objective of the visit was to consult with the Government and key stakeholders on issues concerning internal displacement, implementation of the National Policy on Internally Displaced Persons[2] and to identify the humanitarian, human rights and protection concerns facing them. He consulted with senior government officials responsible for displacement responses and other key national and international stakeholders on the issues and ongoing challenges regarding internally displaced persons.

3. The Special Rapporteur thanks the Government for its invitation and cooperation, and its continued constructive engagement with the mandate. He also thanks the regional government representatives with whom he met. He is grateful to the United Nations Assistance Mission in Afghanistan (UNAMA) and, in particular, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights for their support. He thanks the representatives of the other national and international bodies, institutions and individuals with whom he met and who provided valuable information.

4. The Special Rapporteur visited several settlements for internally displaced persons, where he learned about their situations, challenges, protection concerns and hopes for solutions to their problems. He sought information on the situation of host communities where most internally displaced persons are living and that frequently face challenging circumstances and require assistance and support.

5. In July 2012, the Special Rapporteur had attended a Government-hosted conference to assist in developing a policy framework on internally displaced persons, which had been subsequently endorsed in November 2013 as the above-mentioned National Policy. For Afghanistan, with its conflict- and natural disaster-related displacement, the Policy had constituted an important commitment to the rights of the displaced in line with international standards, and had allowed for the necessary institutions and budgetary and policy requirements to provide emergency humanitarian assistance and durable solutions. On returning in 2016, the Special Rapporteur sought to assess how the Policy had been implemented and its impact for internally displaced persons.

II. Context of internal displacement

6. In 2016, over 623,000 Afghans were internally displaced by conflict nationwide,[3] continuing the upward trend of the previous four years, including a record 450,000 persons displaced in 2015. On average, 1,500 people were forced to leave their homes to escape violence each day.[4] Displacement has affected every province, some significantly more than others.[5] Internal displacement is becoming more protracted for more people, requiring

[1] Chaloka Beyani completed his term as Special Rapporteur on 31 October 2016. Cecilia Jimenez-Damary was appointed Special Rapporteur on the human rights of internally displaced persons by the Human Rights Council in September 2016 and assumed the mandate on 1 November 2016.

[2] Available from http://more.gov.af/Content/files/National%20IDP%20Policy%20-%20FINAL%20-%20English(1).pdf.

[3] See https://afghanistan.iom.int/press-releases/iom-launches-displacement-tracking-afghanistan-humanitarian-crisis-looms.

[4] See www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-2017-humanitarian-response-plan.

[5] In total, 31 are producing displacement and all 34 are hosting displaced populations, although in Central Highland Province the number is negligible.

the Government and its humanitarian and development partners to find new, innovative and sustainable responses for those who cannot return to their homes. Increasingly, internally displaced persons are seeking security and assistance in urban areas, a trend that requires durable solutions in the context of urbanization and urban planning. A history of conflict from the 1970s created an existing protracted caseload of over 1 million such persons, many of whom remain in need of durable solutions.[6]

7. Up to 5 million people fled Afghanistan during the war between its Soviet-backed Government and so-called *mujahideen* fighters, and the subsequent Soviet occupation. After the fall of the communist Government in 1992, civil war between *mujahideen* factions along ethnic or political lines caused a further 600,000 internally displaced persons. Following the Taliban's rise to power in 1996, another 1 million people were displaced by conflict between its Pashtun forces and the Northern Alliance comprising other ethnic groups. In the aftermath of the 11 September 2001 attacks, the International Security Assistance Force[7] intervened militarily while United States of America forces launched a parallel intervention. Conflict between the United States-backed Northern Alliance and the Taliban and ongoing inter-ethnic violence caused more large-scale displacement, which reached its peak in 2002 at 1.2 million people.

8. The nature of the conflict has meant that thousands have been displaced for relatively short periods. An increase in rural-to-urban displacement has been observed, while urban-to-urban displacement has also increased as communities have left conflict-affected urban areas and sought safety in other urban centres. Until 2006, many internally displaced persons had returned to their places of origin. Increasing attacks on urban centres and the temporary holding of cities such as Kunduz by the Taliban have caused new displacement trends as people have sought safety in cities accessible to them. The appearance in eastern regions of groups affiliated with Islamic State in Iraq and the Levant has created additional displacement and challenges for the Government. The possible infiltration of those groups in urban displaced communities has led to police raids on some displaced communities.

9. Many internally displaced persons who experience periodic or constant insecurity or frequent displacement decide not to return to their homes. Many sell or abandon their land and property because of insecurity, threats, forced recruitment and other factors. Movement to locations where family or ethnic ties exist is a feature of displacement and means that community-based responses are essential. Large-scale internal displacement and returns contribute to rapid urbanization and increase pressure on already overstretched services as the displaced choose urban centres despite political efforts to locate them in rural areas. Some estimates suggested Kabul grew by some 1,200 people per day owing to the influx of displaced and returnees. At the time of the visit, more than 50 informal sites around Kabul housed an estimated 55,000 internally displaced persons.

10. Adding to the challenges facing the Government, in 2016 over 600,000 Afghans, either documented refugees, undocumented or deportees, returned from Pakistan and, to a lesser extent, the Islamic Republic of Iran. Many returnees require ongoing support to reintegrate into Afghan society, some for the first time. Most seek to settle in urban centres, including Kabul and Jalalabad. Many become internally displaced in Afghanistan, unable or unwilling to return to places of origin owing to conflict or control of territories by armed groups. In October 2016, European Union leaders signed an agreement with the Government of Afghanistan — the "joint way forward"[8] — to allow European Union countries to deport Afghan asylum seekers. Although the agreement had not been implemented fully at the time of drafting, over 750,000 Afghans had travelled to Europe in 2015 and 2016 and many faced deportation.

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[6] See www.internal-displacement.org/south-and-south-east-asia/afghanistan/2015/afghanistan-new-and-long-term-idps-risk-becoming-neglected-as-conflict-intensifies.

[7] Later renamed Operation Resolute Support in 2015 with fewer troops on the ground.

[8] See https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf.

61. Some commentators expressed concern that the high numbers of returnees would create new or secondary displacement of some existing and long-term internally displaced persons in urban centres. Those returnees who had been registered with UNHCR as refugees in Pakistan had been provided with individual cash payments of $400, which may result in their having greater ability to rent land or housing than impoverished internally displaced persons, who may face eviction. Moreover, rent prices were reportedly increasing owing to the sudden increase in returnees. Those returnees who were undocumented did not receive the same cash grant and were likely to be in greater need of initial assistance, adding to the burden on services, land and shelter.

62. The need for accurate and comprehensive disaggregated data and tracking of internally displaced persons is acute. While positive steps have been taken, including by the International Office for Migration (IOM), UNHCR, the Office for the Coordination of Humanitarian Affairs, international non-governmental organizations and national partners, there remains a lack of essential information, particularly on those in protracted displacement, and an accurate assessment of their needs. In February 2017, in response to recent levels of internally displaced persons and returnees, IOM launched its Displacement Tracking Matrix[9] to better understand population movements and needs. According to the Afghanistan 2017 Humanitarian Response Plan, a further 1 million Afghans are likely to return from Pakistan and the Islamic Republic of Iran in 2017, and an additional 450,000 people could become internally displaced owing to the conflict.[10]

63. Disasters brought on by natural hazards, and development projects continue to cause significant levels of displacement and may affect people already displaced by conflict and violence. Afghanistan is prone to seasonal flooding, landslides, avalanches, drought and other extreme weather events, and earthquakes. These all have the potential to destroy homes and infrastructure, particularly in the northern and north-eastern regions leaving tens of thousands of people vulnerable to displacement each year. There has been only limited investment in disaster risk reduction and preparedness measures due to the long-term conflict and scarce resources for such measures.

III. National legal, policy and institutional responses

64. In 2015, the Government endorsed the National Policy on Internally Displaced Persons, a development that the Special Rapporteur, who had assisted in its drafting, described as constituting "a beacon of hope for Afghanistan's internally displaced". The Policy — a comprehensive document based upon international standards, including the Guiding Principles on Internal Displacement — outlines the challenges and rights of internally displaced persons and, recognizing the primary responsibility of the Government, sets out the roles and responsibilities of institutions and implementing partners. It considers the rights to be protected and the actions required at all phases, from prevention of displacement to emergency phase responses, protection and assistance during displacement, and the achievement of durable solutions. The Policy establishes a funding commitment by the Government at the central and local levels, a strategic and planning commitment and measures to monitor and report on progress in addressing the human rights and needs of internally displaced persons, incorporating a human rights-based approach.

65. The National Policy assigned roles to dedicated institutions, primarily the Ministry of Refugees and Repatriations and the Afghanistan National Disaster Management Agency. The Ministry is the lead ministry, the institutional focal point and provider of last resort in all matters related to internal displacement. It is responsible for developing a national implementation plan for the Policy and for coordinating implementation. Its responsibilities also include chairing a commission on migration, developing an information management system to coordinate and support provincial action plans for durable solutions, and planning, managing and coordinating protection-related activities. The Agency is the

[9] A system that uses tools and processes to track and monitor population movement during crises.

[10] See www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-2017-humanitarian-response-plan.

designated lead to address the short-term emergency needs of persons displaced by natural disasters. It plays a role in response to conflict-induced displacement in coordination with the Ministry and other partners and has provincial directorates in all 34 provinces.

16. The Government has established policy and coordination bodies — including the High Commission on Migration, chaired by the President, which comprises 17 different ministries and institutions, and the Subcommittee on Refugees of the Council of Ministers, under the Chief Executive — to coordinate on issues related to emergency assistance to returnees and to a lesser extent internally displaced persons, issues of land allocation and financial issues related to the support to return and reintegration. The coordination encompasses humanitarian and development actors, including the World Bank. Some sources have criticized the apparent duplication of coordination bodies. Since 2016, a fully applied humanitarian sector cluster system has operated, while humanitarian partners have favoured cross-sectoral approaches to address the complex challenges. In 2016, UNHCR handed overall coordination of the humanitarian response to internal displacement to the Office for the Coordination of Humanitarian Affairs while retaining its leadership in the protection and emergency clusters on shelter and non-food items.

17. Significant responsibility falls to provincial and district governors, mayors and relevant local authorities, including emergency response and preparedness and the development of provincial action plans for durable solutions. Governors should work in coordination with directorates for refugees and repatriation, the local-level implementation arms of the Ministry of Refugees and Repatriations. In Herat and Mazar-e-Sharif, provincial and district authorities have taken positive steps to address the situation of internally displaced persons and provide durable solutions. However, this is not common, and actions in other provinces vary greatly and rely heavily on the inclination of governors to support the displaced. Tribal and political allegiances and funds are factors in the support provided. Some governors act independently from central Government, creating a highly decentralized system in practice.

18. The Special Rapporteur found that, while the National Policy was a commendable resource and some positive developments included provincial action plans for its implementation in selected pilot provinces, much more needed to be done to translate it into action. A new Government, in charge following the adoption of the Policy, may lack a sense of ownership of it or commitment to its implementation. The Policy provides a degree of clarity, guidance and tools at all levels and for numerous actors, while the challenge remains to put it into practice. Some amendments to improve the Policy, particularly relating to strengthening institutional structures and clarifying responsibilities, were recommended to the Special Rapporteur by humanitarian partners.

19. The Special Rapporteur was informed that government coordination mechanisms were occasional and loose. Moreover, the roles of key institutions, including the Ministry of Refugees and Repatriations, remained unclear in practice and the institutions themselves were grossly underresourced and lacked the necessary tools, expertise, capacity and political support to fulfil their functions and implement the National Policy. He was also informed that coordination across such bodies and between national and provincial counterparts remained poor. Some assessed the responses of the Government to the situation of displacement, and its record in meeting its obligations, as well-intentioned but lacking in capacity, expertise, accountability and resources.

20. The activities of some directorates for refugees and repatriation at the provincial and district levels, under the leadership of provincial and district Governors and in coordination with the central line ministry, have demonstrated that some have the potential to function effectively. If adequately resourced and managed, they should supplement — and ideally take over — key roles currently undertaken by the United Nations and international humanitarian and development partners. This will be essential to the sustainability of interventions. However, the Special Rapporteur was informed that other such directorates are at best ineffective and at worst constitute "criminal enterprises". Numerous actors commented that government responses to internally displaced persons should be mainstreamed across relevant bodies and those Ministries that currently play only a limited role, including for education, finance, municipal governance, land, women's affairs, social affairs, health and rural and urban development.

21. Some internally displaced persons expressed considerable frustration at government assistance to them and noted the heavy reliance on international partners. One complained to the Special Rapporteur that government bodies simply referred them to the humanitarian workers and provided nothing. Some local officials and internally displaced persons consulted during field visits noted that, at the provincial and district levels, many were unaware of the key elements of the National Policy and major development initiatives, including the Citizens Charter, launched in October 2016, and the Afghanistan National Peace and Development Framework 2017-2021. During 2016, provisions for internally displaced persons were included in those frameworks, and as a result of continuous advocacy effort by agencies such as UNHCR, United Nations Human Settlements Programme (UN-Habitat), the United Nations Children's Fund (UNICEF) and the World Bank.

IV. Humanitarian challenges

22. Internally displaced persons described their experiences of displacement, their current situations and their needs. Many had been displaced multiple times. Their priorities included improved housing, education facilities for their children, access to health care and the provision of specialist services (including for pregnant women), water and sanitation, and access to livelihoods. Most lacked employment and income or the skills to find work in their new locations, having lost their former livelihoods in agriculture or animal husbandry. For the bitterly cold winter months, it was critical also to put in place winterization measures to ensure that the most vulnerable, including those without adequate shelter, were protected and found appropriate housing, heating and food. UNHCR was planning the most significant winterization effort of the past years, with more than $5 million invested.

23. The emergency responses of provincial governments and humanitarian partners to new and short-term displacement have been shaped by previous experience, with a focus on providing short-term or even one-off assistance in terms of food, emergency shelter and essential non-food items in some locations. For example, immediately prior to the visit, a mass displacement had been triggered by a Taliban offensive on Kunduz, which had resulted in thousands of people fleeing to Mazar-e-Sharif, Takhar Province, Kabul and other locations in north-east Afghanistan. Many had been sheltered in collective centres, including the Government-run Hadj Camp in Mazar-e-Sharif, and provided with emergency assistance by humanitarian organizations as well as government authorities, local businesses and civil society. As the situation in Kunduz stabilized, the majority had returned quickly, assisted by district authorities who had provided bus transportation.

24. Those interviewed by the Special Rapporteur who were about to return to Kunduz from the Hadj Camp welcomed the assistance provided to them, noting that they had experienced such displacement on previous occasions. Nevertheless, there remained a dangerous gap in the monitoring of returnees that must be filled in order to ensure safety and dignity for those returning to conflict-affected areas. While responses demonstrated that a system of emergency assistance and protection for internally displaced persons could be activated rapidly in some locations, it was unlikely to be the case throughout the country. Close monitoring was required in all displacement locations to ensure that adequate responses were in place.

25. Endemic corruption is undoubtedly hampering delivery of humanitarian assistance and progress towards durable solutions. The Special Rapporteur was informed that funding dedicated to strengthening the capacity of directorates for refugees and repatriation and other provincial bodies was unaccounted for and that some lacked chairs, desks and computers or any funds to conduct their work. Corruption also existed at the point of delivery of services, with interference in assessment and aid distribution by local authorities, political figures, the military and local militias. Inter-cluster information indicated that in several locations only a fraction of the families lodging petitions to receive emergency assistance as new internally displaced persons were genuine. While many of the petitioning families may simply not be eligible as they are in protracted displacement or simply poor non-displaced families, there is a need for clarity of leadership and

accountability in order to curb political interference in the assessment and distribution of humanitarian assistance and improve transparency.

A. Humanitarian access

26. Insecurity has increasingly impeded humanitarian access and prevented comprehensive needs assessments and the provision of assistance to many internally displaced persons. The humanitarian caseload is high in hard-to-reach areas, where almost a quarter of newly displaced persons were reported in 2016.[11] The United Nations estimates that a quarter of the areas hosting those persons are not accessible. While efforts are under way to provide assistance to communities in such areas, these are hampered by resource constraints, difficulty of access, bureaucratic barriers and security concerns. While it is essential to continue to focus on large-scale displaced populations settled in close proximity, such as camp-like settings, greater efforts are required to reach the majority of internally displaced persons who are settled with local host communities, acquaintances or in rented accommodation, and are often "invisible" in urban fringes and difficult to capture in terms of needs assessment.

27. While accurate statistics are missing, it is likely that many people are displaced internally — either voluntarily or owing to other factors — into territory that is under the control of non-State armed groups. According to some international non-governmental organizations, some 35 per cent of internally displaced persons are in areas under the control of such groups. Humanitarian actors have little or no access to the displaced in areas controlled by the Taliban or Islamic State in Iraq and the Levant, and their situation was impossible to assess accurately, while some reports indicated the Taliban provided some humanitarian assistance to the displaced. The Special Rapporteur recalled the responsibility of non-State armed groups in areas under their control to protect the lives and human rights of all civilians, including internally displaced persons, according to international humanitarian and human rights law and standards.

B. Civil documentation

28. Of particular concern to internally displaced persons is access to the national identity card, or "tazkira", which is essential for gaining access to services and justice, including education for children, and for purchasing land or property. Current regulations reportedly require those who have lost their tazkira or who have moved to another location to travel back to their place of origin to complete the administrative requirements for re-issuing of valid documents. For the displaced, fulfilling this requirement is frequently unsafe or beyond their economic means. Studies have highlighted that a disproportionate number of internally displaced women do not possess tazkiras. Those belonging to certain ethnic groups, including Kuchis, Jogis and other nomadic groups, also lack access to tazkiras and may never have been in possession of such documents.

29. While government sources stated that many people gain access to services without tazkiras, the Special Rapporteur emphasized that the challenges for internally displaced persons without documentation must be addressed as a protection concern that leaves individuals vulnerable and unable to gain access to critical services and assistance. In 2010, the Government began a programme to develop biometric identity cards or e-tazkira, which it had hoped to distribute by the 2014 elections. Progress was delayed owing to disagreements, including over the information to be contained on the cards, in particular the ethnicity of the holder. Recognizing the security and logistical challenges facing the displaced, numerous national and international partners urged the Government to take all steps necessary to speed up the process, develop a central database and ensure that tazkiras

[11] Including Helmand, Kandahar, Zabul and Uruzgan in the south, and Kunduz, Baghlan and Faryab in the north and parts of Kunar and Nangarhar in the east. See https://docs.unocha.org/sites/dms/Afghanistan/afg_2017_hnp_english.pdf.

can be issued to the displaced in their places of displacement rather than their place of origin and with no undue administrative or other barriers.

C. Food security, shelter and livelihoods

30. The National Policy on Internally Displaced Persons affirms the right of displaced people to request and receive food assistance. However, the World Food Programme highlighted to the Special Rapporteur that internally displaced persons and some other vulnerable urban populations were among the most food insecure populations in Afghanistan. It was pointed out that a number of recent factors had exacerbated the problem of food insecurity, including the deterioration in employment levels and economic slowdown in urban areas and the continued rural-to-urban migration flows. The influx of returnees to urban areas may also be adding pressure on food supplies, particularly for those in poverty or on the lowest incomes, including the displaced. The Special Rapporteur was informed that delivery of food assistance was frequently sporadic or non-existent for some internally displaced communities and that many regularly suffered from insufficient nutritional intake. The emergency support provided to all newly displaced was one-off rather than ongoing assistance. Most in protracted displacement were excluded from systematic food distribution.

31. Limited labour opportunities were available to those with rural skill sets who had displaced to urban centres, contributing to high unemployment rates among internally displaced persons. Many consequently find themselves burdened with debts, accrued to pay rents, secure food or cover medical costs that they are unable to pay back. Many in protracted displacement lack access to humanitarian assistance, which is largely confined to emergency interventions for newly displaced, and are heavily reliant on host families who may themselves be surviving in poverty. Some internally displaced persons live with the daily threat of eviction, for example, because they occupy public or private land without permission, if others claim or have been allocated the land or if they are unable to pay rents. In some circumstances, tensions over land and property can lead to violence.

32. Housing conditions in many locations for internally displaced persons are extremely poor: frequently cramped mud or tent shelters that provide inadequate protection from harsh summer or winter conditions. In community meetings, improved shelter was consistently among the highest priorities that displaced persons raised. At the time of the visit, the prospect of harsh winter temperatures was leading to considerable concern over the ability of the Government and its humanitarian partners to deliver winter assistance to families and the impact on health, particularly for the most vulnerable children and elderly. Many whom the Special Rapporteur consulted raised their concern about freezing winter temperatures and called for cash or fuel and blankets to meet their heating needs.

D. Access to health care

33. Internally displaced persons commonly stated that they had access only to basic and infrequent health-care provisions. A significant percentage were living in cramped and unhygienic locations, with an acute shortage of water and sanitation services and nutritional intake, leading to illness and water-borne diseases. The health-care challenges facing the displaced included specialist physical or psychosocial treatment needs due to conflict or trauma, which was not commonly available. While some locations for internally displaced persons had dedicated clinics providing basic health services, these were frequently poorly equipped, lack doctors and could not treat serious or emergency health problems. Restrictions on the construction of clinics, due to a population threshold criteria and funding shortages, meant that some communities lacked local health-care facilities and had to travel long distances for access to regular services.

34. Internally displaced persons stated that the cost of treatment or medicines was prohibitive and that public services were severely overstretched, forcing them into debt or to forgo treatment. Cultural factors reportedly restricted some women from having access to health services in displacement locations. Women also experienced discrimination in

having access to hospitals owing to prejudiced attitudes and discrimination on the basis of their rural origin, abject poverty or poor hygienic conditions. Of critical importance is the presence of female staff in health facilities to promote access to health for displaced women and girls. Across Afghanistan, UNICEF noted that every two hours a woman died owing to pregnancy-related causes. Displaced women frequently gave birth at home, without specialist care and in unsanitary conditions. Maternal mortality figures among displaced communities were consequently likely to exceed those of the general population.

35. The National Policy, in line with the Constitution, recognizes that internally displaced persons have the same right to basic health services as all other citizens, even those without a tazkira, and calls on the Ministry of Public Health to allow for the urgent health concerns of some displaced persons and their unique situations. The Special Rapporteur noted that health-care responses should be informed by and based on the needs of the displaced rather than being constrained by general policy or programme criteria, which do not take their unique circumstances into account. The challenges require innovative solutions for internally displaced persons, including the provision of mobile health services where other services do not exist.

36. The Minister of Public Health highlighted that providing health services to internally displaced persons was a high priority but acknowledged the serious limitations to health-care provision and that the capacity and resources provided by the Government could not cover all the health-care needs of all those requiring care. He acknowledged that, in an environment with a mixture of development and emergency priorities, the Ministry was not well prepared to respond to the emergency needs of the displaced and was heavily reliant on international partners. The cost of services such as mobile clinics was prohibitive, resulting in a suspension of such services.

E. Access to education

37. Based on constitutional rights to education, the National Policy gives the Ministry of Education responsibility to ensure that primary and secondary education is free and compulsory for all displaced children. It affirms that there should be school facilities located close to settlements for internally displaced persons; that displaced children in settlements have the right to attend school along with local children; and that no student should be denied access to a school owing to a lack of school records or tazkira, school books, uniforms or other supplies. UNHCR and UNICEF have advocated for the systematic inclusion of measures in favour of displaced children in the new strategy of the Ministry of Education. Nevertheless, in all of the Special Rapporteur's meetings with internally displaced persons, the issue of inadequate access to education, including due to lack of civil documentation, was consistently raised as a high priority.

38. Some 56 per cent of internally displaced persons are children, many of whom are out of school and may be required to work to support impoverished families. According to UNICEF, some 40 per cent of school-age children in Afghanistan are out of school.[12] The figures for displaced children are likely to be considerably higher. A key barrier to education for internally displaced children is lack of a tazkira, highlighted to the Special Rapporteur by internally displaced persons everywhere he visited. He was informed that the majority of internally displaced children and their parents had no tazkira, which restricted their access to education facilities. Other factors included lack of resources to buy school materials, distance from or availability of education facilities, and discriminatory practices that disadvantaged the displaced. Particularly poor levels of attendance of girls in education were reported, with one study reporting that 7 in 10 girls surveyed in informal settlements said they had never attended school.[13]

[12] See www.unicef.org/media/media_89782.html.

[13] See Norwegian Refugee Council, "Listening to Women and Girls Displaced to Urban Afghanistan" (January 2015). Available from www.nrc.no/globalassets/pdf/reports/listening-to-women-and-girls-displaced-to-urban-afghanistan.pdf.

V. Protection challenges

39. Many internally displaced persons, both newly or short-term displaced and those facing protracted displacement, experience significant and potentially life-threatening protection challenges. The rapid return of the displaced to areas of recent fighting may expose them to security threats, including explosive devices such as landmines, improvised explosive devices, explosive remnant of war and unexploded ordnance. Their homes may have been damaged or destroyed, and infrastructure and livelihoods may have been disrupted, including schools, hospitals and other public buildings, which are frequently used by parties to the conflict during the course of hostilities. United Nations partners expressed their concern that civilians were returning to conflict-affected areas, including Kunduz, without adequate security precautions, including ensuring the swift surveying, demarcation and clearing of unexploded ordnance.

40. The Internal Displacement Monitoring Centre notes that Afghanistan has more landmines and unexploded ordnance than any other country, accumulated since the beginning of the Soviet invasion in 1979.[14] Non-State armed groups make extensive use of victim-activated and other improvised explosive devices, and more than 20 per cent of all civilians who were killed or injured in 2013 by landmines, unexploded ordnance and abandoned improvised explosive devices had been internally displaced persons, according to the Mine Action Coordination Centre of Afghanistan.[15] It is essential that return is voluntary and that the displaced do not face pressure to return prematurely, for instance, by halting emergency assistance in areas of displacement. Assumptions that internally displaced persons return to conditions of safety and relative normality must be verified and necessary assistance provided in their places of origin.

41. The situation of some vulnerable groups within internally displaced populations is cause for concern, including single women with no community support; persons with disabilities; older persons and those who may be injured, ill or experiencing trauma or distress owing to conflict and the experience of displacement; and nomadic groups, such as Kuchis and Jogis, who are discriminated against or denied access to services. Specialist services and psychosocial support are currently inadequate or non-existent and must be stepped-up.

A. Situation of internally displaced women and girls

42. Displaced women and girls frequently face unique challenges associated with their displacement, including female-headed households, pregnant women and others who are particularly vulnerable. For those from highly conservative communities, displacement may cause or exacerbate social isolation owing to the disruption of family and community networks, economic exclusion and vulnerability to violence. Displaced women may face enhanced gender-based constraints to gaining access to education, health and employment. They may also lose freedoms and networks they had previously enjoyed and be more vulnerable to domestic violence in environments characterized by inadequate and crowded accommodation, unemployment, insufficient water and sanitation, and food insecurity.

43. UNICEF highlighted that early marriage involving girls under the age of 16 years and as young as 7 to 9 years is more prevalent among internally displaced persons. Early and forced marriage is sometimes seen as a solution to pay debts or provides a means to obtain money, land or property. The United Nations Population Fund reported that Afghanistan had a high adolescent birth rate (90/1,000 women aged 15-19 years), which

[14] See www.internal-displacement.org/south-and-south-east-asia/afghanistan/2015/afghanistan-new-and-long-term-idps-risk-becoming-neglected-as-conflict-intensifies.

[15] See www.internal-displacement.org/south-and-south-east-asia/afghanistan/2015/afghanistan-new-and-long-term-idps-risk-becoming-neglected-as-conflict-intensifies.

poses a major risk to young girls' health.[16] While among the general population the age of childbirth was increasing, this was not the case among internally displaced women.

44. Women informed the Special Rapporteur of their desire for skills training so that they could contribute financially to their families and improve the quality of their lives. The Special Rapporteur visited projects for women in such fields as tailoring, carpet weaving and embroidery, which empower them with skills and give them the opportunity to earn an income through the sale of such crafts. However, those initiatives are frequently small-scale and are no substitute for full access to education and access to sustainable livelihoods for women as well as men. Housing, land and property rights are frequently restricted for women in Afghanistan, leaving them highly vulnerable. Patriarchal social structures present barriers to widows and female heads of households in gaining access to land and property rights.

45. The Special Rapporteur noted that women were absent from almost all of his meetings with internally displaced communities, compelling him to make special arrangements to consult separately with them through female members of his delegation. It was evident that, despite the efforts of some protection actors, the voices and concerns of women were poorly reflected — if at all — in consultations with national authorities and many other actors with a role in providing assistance. Measures were required to ensure that the views and concerns of women and girls were heard, valued and responded to.

B. Child rights and protection concerns

46. In its midyear report 2016 on the protection of civilians in armed conflict, UNAMA stated that the consequences of displacement on the civilian population were particularly harsh for children. Aside from physical injuries, the psychological well-being of children emerged as a primary concern during assessments of internally displaced persons. Children displaced by conflict-related violence also experienced limited access to education owing to insufficient education facilities in receiving communities and documentation requirements for enrolment. Furthermore, poverty placed additional pressure on children to contribute to income-generating activities at the expense of their education.[17]

47. Child recruitment by non-State armed groups remained a concern and was fuelling displacement in some cases as families displace themselves to avoid children being recruited into non-State armed groups. Some commentators expressed their concern over a generation of young people with psychosocial distress that was not dealt with adequately owing to a lack of service provision or access to specialist medical support. Unaccompanied children were particularly vulnerable and required specialist care and protection mechanisms, including protection from trafficking.

48. The Special Rapporteur was informed that internal displacement and poverty resulted in displaced children becoming more vulnerable to exploitation of their labour in hazardous industries, including brick-kilns, metal works or garbage picking. In Kabul, the Special Rapporteur met with a 7-year-old boy who worked as a garbage collector to support his family, and learned that such activities were common among displaced children who worked to provide a small income for their families. Children may also be employed in carpet weaving and work long hours for meagre wages. Without other means of assistance or support, families saw few options other than to send their children to work. While there is legislation prohibiting child labour in hazardous industries, it is poorly implemented in practice.

49. During a visit by the Special Rapporteur to Herat, UNICEF noted that estimates suggested that 8,000 to 10,000 children were working on the streets, 27 per cent of whom were internally displaced children residing in the city. Unaccompanied or orphaned

[16] See United Nations Population Fund, State of World Population 2012 (New York, 2012). Available from http://www.unfpa.org/publications/state-world-population-2012.

[17] See https://unama.unmissions.org/sites/default/files/protection_of_civilians_in_armed_conflict_midyear_report_2016_final.pdf.

internally displaced children, whose lack of resources may leave them particularly vulnerable to abuse or trafficking in persons, must also receive dedicated assistance. Large numbers of unaccompanied and orphaned Afghan boys had been reported on refugee and migrant routes. With few countries fully meeting their international obligations for the welfare and protection of unaccompanied children, if returned they faced a precarious future.

C. Situation of host communities and social cohesion

50. Host communities provided a critical life-support system for internally displaced persons, the vast majority of whom found housing and assistance within family or social or tribal networks. Relations with host communities were frequently good and the displaced often moved to areas with such connections where they could find strong support networks. However, in situations of poverty, limited employment or livelihood options, food insecurity and shortage of available land or space, the potential for tensions increased. While many hosted internally displaced persons at limited cost to them, in some urban centres, some hosts may earn a small income by renting land or property to displaced persons. If the displaced become unable to pay owing to lack of livelihood options, this may become an additional source of tensions or lead to their eviction.

51. Many people in host communities may themselves be in situations of chronic poverty. Consequently, as displacement-affected communities, their situation and the added burden on them of sharing food and resources must be acknowledged. The pressure that high numbers of internally displaced persons and returnees places on essential services means that overstretched public health, education and other services are under further pressure to respond to vulnerable communities, and services may be reduced for host communities. Livelihood opportunities for host communities may be reduced owing to the abundance of low-skilled workers in the labour market, which is already saturated, as the displaced seek employment that would normally have been taken by those in host communities.

52. The diverse ethnic and tribal composition of Afghan society must be considered in internal displacement responses. Factors including historic tribal tensions or conflict and the proximity of different ethnic groups, combined with land shortage and the pressure of poor service provision, may create tensions. Solutions for internally displaced persons must prevent intercommunal tensions from emerging due to the impact of population movements, integration or resettlement. Where necessary, social cohesion measures should be implemented and there should be advocacy with authorities to prevent the exploitation of internal displacement for political purposes, as well as intolerance, discrimination or rejection of local integration on ethnic or political grounds.

VI. Prospects and challenges for progress towards durable solutions

53. Addressing protracted displacement within national development frameworks is vital in order to achieve durable solutions. The Government tends to consider internally displaced persons primarily within the realm of humanitarian assistance, limiting the scope of responses to protracted displacement and thereby causing assistance and protection gaps. Historically, it has only supported return as a durable solution. Nevertheless, due to the escalating conflict and lack of safe options for return, a political shift has seen greater support for local integration and a pragmatic recognition by the authorities in some provinces that urbanization is an inevitable phenomenon in the country's development path. However, the lack of sufficient budgets means that many who could benefit from durable solutions programmes continue to receive only limited humanitarian aid or are left to fend for themselves.

54. Assessments indicated that the majority of internally displaced persons in protracted displacement preferred to integrate locally and not return to their places of origin. However, the acceptance of local integration by district and provincial authorities was not always

evident. Ethnic and political affiliations, regional power dynamics and resources were factors influencing the willingness of provincial actors to support the displaced. Resettlement elsewhere in the country as a durable solution had not been fully considered for some for whom such a measure could be the desired or most viable option. No early recovery cluster existed that could be a catalyst in funding and driving resilience-building, early recovery and livelihood programmes. The reintegration working group, co-chaired by the Ministry of Refugees and Repatriations and UNHCR with the active participation of other early recovery actors, had reportedly begun to address internally displaced persons alongside the challenges of integrating returning refugees, although its activities for internally displaced persons must be stepped up.

55. Some positive national initiatives aimed at development and stability, including the Afghanistan National Peace and Development Framework [18] and the Citizens Charter Afghanistan Project, include internally displaced persons and returnees in their provisions, after sustained advocacy by agencies including UNHCR, UN-Habitat and IOM. The Citizens Charter Afghanistan Project creates a social contract between the Government and community development councils throughout Afghanistan to improve core infrastructure and social services to communities. However, attention to the displaced in those frameworks needs to be reinforced, and numerous provincial actors were unaware of them and how they should be implemented for the displaced and host communities. Consultation and awareness-raising were required, including among the displaced, to ensure they received continued attention as the initiatives moved into implementation phases.

56. Land management and allocation processes existed but challenges persisted for internally displaced persons to secure land. In some locations visited, they were able to purchase or legally occupy land and gain title or rights to occupancy, particularly favoured by community network and tribal affiliation. This provided an essential basis of secure land tenure upon which to construct homes and begin to re-establish livelihoods. However, many lacked access to land and remained in precarious situations, reliant on host families, in informal settlements without rights to remain, and at risk of eviction. In 2005, in response to the massive challenge of landlessness for returning refugees and internally displaced persons, Presidential Decree No. 104 on land distribution for housing to eligible returnees and internally displaced persons was adopted, commonly known as the Land Allocation Scheme.

57. According to Decree 104, the eligibility criteria for internally displaced persons required possession of a tazkira, documents confirming internal displacement — which are never issued by the authorities — and proof that they did not own land or a house in Afghanistan, all of which were difficult or impossible for displaced persons to provide. The process was frequently described as overly bureaucratic and open to corrupt practices, including the payment of bribes and rent-seeking behaviour. By the end of 2014, UNHCR statistics indicated that only 57,000 plots of land had been allocated out of 266,000 applications.[19] In Herat, reports stated that the municipal land commission had distributed 14,000 parcels of land to government officials and only 850 to returnees and internally displaced persons.[20]

58. Implementation of the Land Allocation Scheme was beset by legal, technical and other problems, including lack of land availability, corrupt, ineffective or mismanaged processes, and the weakness of the Ministry of Refugees and Repatriations, which was designated as the authority in charge of its implementation. Problems included the allocation of "common" land perceived as belonging to other communities; the allocation by officials of land for personal gain or to ineligible recipients; a lack of land availability due to land-grabbing; inappropriateness of land due to distance from cities, service or livelihood opportunities; and biased allocation favouring certain groups or government

[18] See http://policymof.gov.af/afghanistan-national-development-framework/.

[19] According to reports, only 39,000 beneficiaries had received title deeds, while only some 21,000 plots had actually been occupied.

[20] See www.afghanistan-analysts.org/afghanistans-returning-refugees-why-are-so-many-still-landless/.

employees. As at January 2017, a revised set of criteria was reportedly under development to allocate land to those most vulnerable in collaboration with United Nations agencies.

59. Communities in protracted displacement in Herat and Mazar-e-Sharif had taken the decision not to return to their places of origin. Some were able to buy land or had been allocated land by the Government and had begun the process of local integration that could result in durable solutions that would meet their needs in terms of housing, service provision and livelihoods. While incomplete and requiring continuing support, such positive practices offered models that could be replicated to benefit thousands more internally displaced persons. They also benefited host communities, which also required assistance and services. However, the vast majority of communities of persons in protracted displacement in Afghanistan who lacked the prospect of safe return were not benefiting from similar projects.

A. Herat

60. Herat Province, in particular Herat city, and neighbouring Injil District have historically been a significant destination for internally displaced persons. By the end of 2015, Herat hosted approximately 10 per cent of the total displaced population (120,000 people), representing a significant caseload of persons in protracted displacement, some of whom had lived there for two decades.[21] In 2013, Herat, Mazar-e-Sharif and Jalalabad were selected as pilot provinces in which provincial action plans were developed under the framework of the National Policy on Internally Displaced Persons, leading to positive durable solutions projects. A survey was undertaken in 5 out of 18 informal settlements for persons in protracted displacement to identify durable solutions options.

61. The Special Rapporteur visited initiatives undertaken jointly with United Nations agencies, international non-governmental organizations, the directorates for refugees and repatriation, the Herat Governor's and Mayor's offices, the Department of Urban Development and the Afghanistan Independent Land Authority. In line with the National Policy, a joint response plan defined priority objectives including: to facilitate access to land and improve security of tenure; to improve livelihood opportunities and skills development; to increase access to tazkiras; to improve shelter and housing; to improve community participation, mobilization and information; to improve food security; to improve access to public and basic services such as education, water, sanitation and hygiene and health; to protect interventions for vulnerable displaced populations; and to improve coordination to systematize assistance and ensure funding for durable solutions.

62. The Governor of Herat acknowledged that many internally displaced persons did not wish to or could not return safely to their places of origin and that local integration and the incorporation of the displaced into urban planning, including a master plan for Herat city, were required. He noted that some displaced persons had to be allocated land for free since they could not afford to purchase it, but noted at the same time the high cost of infrastructure development and limited livelihood opportunities as major challenges in the local integration process. He noted his desire to avoid unplanned urban sprawl and informal settlements, resulting in pressure on inadequate service provision and security challenges. While noting willingness to absorb those in protracted displacement and provide services to them, he stressed that unlimited integration of newly displaced persons would not be possible without more resources and appropriate planning.

63. The Governor emphasized the reliance on the international community due to the limited resources of the Ministry of Refugees and Repatriations and other national bodies to support district and provincial actors. Barriers also existed in gaining approval for projects from the national Government. It was noted that projects dedicated to internally displaced persons could be politically difficult unless they were also seen as being of benefit to the

[21] See Inter-Agency Durable Solutions Initiative "Profile and Response Plan of Protracted IDP Settlements in Herat" (October 2016. Available from http://earlyrecovery.global/sites/default/files/inter_agency_durable_solutions_report_herat_october_2016_english_version_636173927520870000.pdf.

general population and as avoiding an influx of displaced persons from neighbouring provinces. The Governor highlighted that the priorities for the displaced were to obtain land titles and affordable housing. He gave a briefing on an initiative to create a model "suburb" of affordable housing on land in Maslakh that had been allocated to those in protracted displacement. The land, which was an existing site for those in protracted displacement and a former camp for internally displaced persons, was located 15 kilometres outside central Herat, close to a major arterial highway that led to the Islamic Republic of Iran.

64. Implementation partners, including UN-Habitat, expressed concern that the Maslakh project as presented by the Governor would require the demolition of existing dwellings for internally displaced persons. They proposed an amended plan for development around existing structures and offered technical expertise to the authorities to find a compromise. The Governor emphasized the desire for quality homes and a liveable city for all, not just another camp for internally displaced persons. The Special Rapporteur emphasized that solutions should be found in consultation with those for whom the project was intended and that, at all costs, the project should remain for the benefit of the displaced and not be diverted to others. He emphasized the need for holistic approaches that incorporated service provision and livelihoods for the project to be sustainable in the long term.

65. The Special Rapporteur visited Maslakh, where he consulted with internally displaced persons, local authorities and partners of the United Nations and international non-governmental organizations. The displaced, some who had been there for over 15 years, noted their desire to remain, citing security concerns in their places of origin, despite having poor levels of service provision. One stated that, for 16 years, nobody had cared about them and that, while others now helped, they still lacked basic services. They expressed optimism that things would improve given developments regarding security of land tenure. They stated that their children had attended school for only two hours per day up to grade 6, noting that, without tazkiras, they could not attend city schools. Other issues of priority for the displaced included provision of quality housing, employment, gravelled roads, electricity and water supply and improved health-care facilities.

66. The Special Rapporteur also visited Karizak, a site in a peri-urban area allocated by the municipality to provide durable solutions to some internally displaced persons from the informal settlement in Shaidayee who had faced forced eviction after the land had been allocated to families of former army and police officials and other civilians in Herat. In April 2016, after sustained advocacy by the Humanitarian and Resident Coordinator, a planned eviction by the Herat municipality had been halted by the Governor until a human rights-compliant relocation plan could be prepared. The site, which was under development, incorporated a UNICEF-funded water supply project, while UNHCR and the Norwegian Refugee Council were constructing homes. Internally displaced persons expressed hope that their situation would improve on the strength of such initiatives. However, some expressed concern about the lack of progress on projects and that they might not be provided for all. They called for urgent assistance, particularly since winter would bring freezing conditions.

B. Mazar-e-Sharif

67. In Mazar-e-Sharif, the Special Rapporteur visited the village of Rabat in Chimtal District, 25 kilometres north of the district centre and home to 101 families (707 individuals) who had been displaced by heavy conflict in Faryab Province. Some had purchased plots of land with the support of local kinships, having sold their assets in Faryab. A local integration project to find durable solutions had been initiated, based on secure land tenure and incorporating a multisectorial approach and initiatives across implementing partners, coordinated by directorates for refugees and repatriation and UNHCR. A key element was the construction of shelters by the German development body, Gesellschaft für Internationale Zusammenarbeit, which worked with communities and contractors to build homes for 74 families and rehabilitate a school for internally displaced and local children.

68. In addition to housing, the project included the installation of latrines, a water supply system and solar panels for electricity, and the provision of essential non-food items. Skills training projects were provided for internally displaced women in tailoring, embroidery and carpet weaving, so they could earn a small income. Women were consulted directly to identify their needs and wishes. Community leaders described good relations with the local host communities, which had provided plots of land for them to purchase. Implementing partners noted that, crucially, the project brought benefits to the host community in terms of service provision for all.

69. Internally displaced persons described arriving early in 2015 and their decision not to return to Faryab due to the severe insecurity and conflict, and because areas were under Taliban control. One community leader said they had lost everything and had no hope to go back. While praising the district Governor and international partners, they called for enhanced services, including improved and accessible health services and a gravelled road to improve access. A high priority for the community was livelihood opportunities, ideally in the form of livestock and animal husbandry, or employment and income-generating possibilities beyond the small-scale initiatives for women. Education remained a problem, as the only functioning schools were in villages perceived as too far away.

70. The area remained a challenging environment for the settlement and integration of internally displaced persons, because of its susceptibility to annual flooding, and was on a "blacklist" of insecure districts. Some displaced persons stated that they had tazkiras, while others said that services such as education were accessible, even for those without the cards. However, lack of documentation continued to cause concern. Some noted that it was necessary for them to return to their places of origin to obtain tazkiras and urged authorities to issue them in their places of residence. Partners noted that the population of Rabat was too small for the Government to provide a health clinic or school, while mobile clinics were too costly to provide.

71. The Special Rapporteur welcomed the multi-agency approach, but was concerned to learn that funding issues, including for Gesellschaft für Internationale Zusammenarbeit, had significantly reduced the number of sites for displaced persons and communities that were able to benefit from such projects. Initially, the project had been planned to include 12 internally displaced and host communities, but was reduced to just 1. Having begun community engagement and consultation exercises in other locations, partners expressed frustration that more projects could not be taken forward owing to funding shortages.

VII. Role of the international community

72. The Government remains heavily reliant on international assistance to meet the massive challenges owing to its limited capacity to respond and constraints from the conflict, economic crisis and disasters. It is vital that international attention to Afghanistan does not wane further at this vital time and that humanitarian and development support is maintained and enhanced. United Nations and other international partners are particularly challenged by declining funds for their essential work, while the needs of internally displaced persons and others are increasing significantly on the ground.

73. On 7 September 2016, a flash appeal was launched to raise $150 million to meet the urgent needs of Afghanistan for the remainder of 2016. The donor community must respond positively to the 2017 Humanitarian Response Plan, which calls for $550 million to help about 5.7 million of the most vulnerable people. Immediate and long-term funding is required not only for emergency responses but also to enable humanitarian and development actors to begin to better plan and implement resilience-building, recovery and livelihood projects to address protracted displacement situations.

74. The Brussels pledging conference, held in early October 2016, demonstrated that the plight of the Afghan people continued to be of concern to the international community. A generous $15.2 billion was pledged by donors, with a focus on peace, State-building and development programmes over four years. The Special Rapporteur encouraged all partners to ensure that funding and national initiatives for development included internally displaced persons, who require immediate and longer-term assistance. Equally, the wider donor

community should not consider the pledges made in Brussels as a reason to turn away from the urgent need to provide emergency funding to cover essential humanitarian funding gaps.

VIII. Conclusions and recommendations

A. Conclusions

75. Afghanistan has been beset by conflict and crisis for decades. For many, conflict has been a constant presence, and internal displacement has become a regular occurrence or a permanent feature of their lives. The remarkable resilience of the Afghan people and their ability to cope in conditions of great adversity must not justify complacency or lack of action to address the grave situation of hundreds of thousands who are either newly displaced or who are facing multiple or protracted displacement. The impact on their lives is immense and the suffering that they endure is devastating and must be recognized and addressed consistently by the Government and its international partners.

76. The considerable challenges facing the Government have a clear impact on its ability to respond effectively to the situation of internally displaced persons. While political will to protect them is emerging, this must translate into more effective Government-led responses. The National Policy on Internally Displaced Persons, while ambitious in its scope and in need of further adaptation, remains a key instrument to guide government efforts to address the needs of internally displaced persons, and provide durable solutions to them. However, it is a neglected resource of which the Government must take ownership, including with a renewed commitment to its implementation. This will require resources as well as information and sensitization across all relevant stakeholders and implementing partners, including internally displaced persons.

77. With internal displacement trends and returns expected to rise dramatically in 2017, a serious escalation of the conflict and displacement crisis would overwhelm the limited capacity of the Government and its partners to respond. Yet international attention to Afghanistan has waned in the light of conflicts in Iraq, the Syrian Arab Republic, Yemen and elsewhere. The international community must remain consistent humanitarian and development partners to Afghanistan and maintain a focus on providing support and assistance to address the needs of internally displaced persons. The pledges made at the Brussels Conference are timely, if honoured, but urgent additional funds are required to meet immediate needs.

78. Protracted urban displacement is a growing trend, requiring durable solutions in the context of development, urbanization and urban planning. Some positive progress is under way in Herat and Mazar-e-Sharif, where projects are securing landownership or occupation rights, providing homes, essential services and livelihoods. They demonstrate that durable solutions do not always lie in return and can be achieved where political will, resources, cooperation and community engagement, including with host communities, are in place. However, such positive practices are the exception and must be extended and replicated for the benefit of thousands more internally displaced persons.

79. Funding was consistently cited as the greatest barrier to progress by government officials. However, a deficit of good governance and the failure of national institutions to deliver essential responses and assistance to internally displaced persons are evident. Despite considerable financial and other resources provided, not enough is filtering down to displaced communities in need. In line with the outcomes of the World Humanitarian Summit and the Grand Bargain, new approaches must be adopted to ensure that more funds are provided to local partners to implement provincial action plans that reach and assist more displaced communities. Fundamental elements must include improved management, efficiency, transparency and accountability at all levels.

B. Recommendations

80. **The Special Rapporteur recommends that the Government of Afghanistan:**

(a) **Renew its commitment to the National Policy and its implementation, and strengthen awareness-raising activities to promote knowledge of the Policy among officials, line ministries and their provincial departments, and internally displaced persons;**

(b) **Strengthen the national institutional response framework, including by clarifying roles, creating a single coordinating body to avoid duplication, and improving coordination across national, provincial and district actors;**

(c) **Review the role and functions of the Ministry of Refugees and Repatriation and to increase its policy and coordination role, working with other key line ministries and provincial and municipal authorities;**

(d) **Expand local initiatives through provincial action plans for progressive implementation of the National Policy, initially in those provinces worst affected by displacement, in collaboration with national bodies and international partners, including through the appropriate devolution of financial resources to provincial authorities;**

(e) **Take measures to improve regular and consistent access by humanitarian actors, with appropriate security in place, to all areas of displacement;**

(f) **With the active role of relevant ministries, improve protection monitoring and vulnerability screening, with a focus on vulnerable groups, including women and children, unaccompanied children, older persons and persons with disabilities;**

(g) **Ensure that tazkiras and all essential documentation required to gain access to assistance and services are issued in places of displacement, with no undue cost or administrative or other barriers;**

(h) **Increase efforts to reach internally displaced persons outside of settlements, including through information and outreach projects and distribution points for food and non-food items;**

(i) **With the Ministry of Women's Affairs and their provincial departments, ensure measures to tackle internal displacement are gender-sensitive and that female service providers, including health workers, are available to displaced women;**

(j) **Improve land distribution to internally displaced persons without undue legal, administrative or financial barriers, ensuring land is viable and appropriate to housing and livelihood options and preferences. Review and reallocate land to the displaced that was misallocated to those not meeting eligibility criteria;**

(k) **Ensure that the prohibition of illegal forced evictions of internally displaced persons is respected by all actors and that, where possible, rights of ownership or occupation are provided to them. Where land occupied by the displaced is legitimately claimed, ensure that alternative accommodation or land is provided following legal eviction;**

(l) **Ensure a mixture of durable solutions are available to internally displaced persons, including supported return, local integration or resettlement elsewhere in the country, in consultation with them, including women, and taking into account their preferences;**

(m) **Ensure that any return of internally displaced persons to their places of origin takes place voluntarily, in conditions of security and dignity and with appropriate support in place;**

(n) **Establish consultative and participatory mechanisms to ensure that internally displaced persons, including women and other vulnerable groups, are fully involved in decisions affecting them.**

81. **The Special Rapporteur considers that the United Nations, the international community and international donors should:**

(a) **Respond rapidly to requests for humanitarian funding and material assistance across humanitarian sectors to ensure that the Humanitarian Response Plan for 2017 is fully funded and financial pledges are delivered rapidly;**

(b) **Enhance their humanitarian assistance to internally displaced persons and support initiatives that address the priority needs of those populations, including progress towards durable solutions;**

(c) **Increase funding to provincial partners mandated to deliver durable solutions projects on the basis of local circumstances. Funding should be provided in tranches based on reaching project targets and on monitoring and accountability processes;**

(d) **Provide expert guidance, training, tools and resources to assist in building national capacity and expertise among national authorities and civil society partners in order to strengthen implementation of the National Policy;**

(e) **Assist national actors in the collection, monitoring and tracking of data on internally displaced persons and profiling of displaced populations and humanitarian and protection concerns;**

(f) **Explore possibilities to extend and/or replicate positive durable solutions projects in Herat and Mazar-e-Sharif in other provinces;**

(g) **Ensure the timely and rapid engagement of international development partners, including the World Bank, to assist the Government in the implementation of measures to support durable solutions for internally displaced persons;**

(h) **Support — through technical cooperation measures in the field of transitional justice, community reconciliation and peacebuilding — initiatives to ensure justice, restitution and compensation for internally displaced persons, including women, and consider adopting specific measures to address ethnic and tribal tensions.**

82. **The Special Rapporteur recalls the responsibility of non-State armed groups in areas under their control to protect civilians, including internally displaced persons, according to international humanitarian and human rights law and standards. They should provide safe and unhindered access to humanitarian actors to conduct their work.**